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SUMMARY RECORD OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 March 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Turkey)

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The meeting was called to order at 10.35 a.m.

STATEMENT BY MRS. OGATA (United Nations High Commissioner for Refugees)

1. Mrs. OGATA (United Nations High Commissioner for Refugees) said that the phenomenon of coerced displacement of people - both cross-border movements of refugees, which were central to her mandate, and the internal displacements to which the High Commissioner's Office was increasingly called upon to extend its expertise - had assumed distressing dimensions. While more than 1.5 million refugees had returned home over the past year, another 3 million had been forced to flee their countries and millions more had fled within their own countries from conflict and persecution. The effects of human rights violations, ethnic and sectarian conflicts and civil wars were aggravated by drought, famine, environmental decline and, in many regions, even total anarchy. Political instability, economic disruption, population growth and the widening gap between rich and poor countries and between the rich and the poor within many countries created pressures and unleashed hatreds that resulted both in human rights violations and in the flight of refugees.

2. The issue of human rights and that of refugees were inextricably linked and it was hardly possible to discuss one without referring to the other. Human rights violations were a major cause of refugee flows and also a major obstacle to solving refugee problems through voluntary repatriation. More positively, the best way to prevent conditions that forced people to become refugees was by safeguarding human rights and respect for human rights was a key element in the protection of refugees in their country of asylum. Improved observance of human rights standards was often essential to resolving refugee problems because it enabled refugees to return home safely. Her Office was committed to a three-pronged strategy of prevention, emergency response and long-term solutions of refugee problems.

3. She particularly emphasized the need to strengthen the links between the work of the Commission in promoting respect for human rights and the work of her Office in protecting refugees and seeking solutions to refugee problems.

4. While trying to prevent circumstances that forced people to leave their homes and to find solutions to refugee problems, the High Commissioner's Office, of course, continued to pursue its traditional work in countries of refuge. The right to seek and to enjoy asylum and the corresponding duty of non-refoulement were the cornerstone of international refugee protection and had to be reaffirmed, particularly in the light of difficulties in many regions of the world. In too many cases, refugees were exposed to danger, rejection at frontiers or legal obstacles in their search for asylum. Working with the Executive Committee of UNHCR, the Economic and Social Council and the General Assembly, her Office continued to make every effort to build consensus and mobilize the support of the international community for the protection of refugees. She particularly welcomed the Commission's support in that endeavour as a concrete affirmation of the interrelationship between upholding human rights and protecting refugees. It was in the areas of prevention and solutions and, thus, primarily in its work with the countries of origin of refugees and potential refugees that UNHCR most needed to cooperate with the Commission, the Centre for Human Rights and other relevant

human rights organizations. Such cooperation, strongly encouraged by the General Assembly as well as by the UNHCR Executive Committee, had increased during the past year, notably with respect to the former Yugoslavia.

5. However, given the scope of the problems, much more had to be done. In her statement at the Commission's preceding session, she had suggested concrete measures in connection with the prevention of, and solutions to, refugee situations. Events in the intervening period had confirmed the urgent need for effective action by the international community to prevent violations of human rights which forced refugees to flee and, later, blocked their return home. She therefore stressed the theme of preventive action and of the human rights protection of the internally displaced and drew attention to the concept of "the right to remain".

6. A lesson that emerged very clearly from recent problems was the need for earlier and more effective action by the international community to forestall potentially refugee-generating situations before flight became the only alternative. Despite very different circumstances, a similar pattern could be observed in the former Yugoslavia, the Caucasus, the Horn of Africa and Central Asia: simmering tension caused by unresolved political, ethnic, religious or nationality disputes led to human rights abuses which became increasingly violent and finally erupted into armed conflicts that eventually forced people to flee their homes and, often, their countries. By then it was too late to avert widespread human suffering and more difficult to provide protection and assistance and to achieve solutions.

7. Early warning of human rights problems was a necessary first step in prevention. She therefore supported the efforts being made in the Commission and elsewhere in the United Nations to strengthen the coordination of early-warning activities in the humanitarian and human rights areas. In his report "An Agenda for Peace", the Secretary-General had called on the United Nations system to cooperate with arrangements for synthesizing early-warning information with political indicators to assess whether a threat to peace existed and what action should be taken by the United Nations to alleviate it. Human rights problems were an important indicator both of threats to peace and of the risk of forced movements of people. The Commission could therefore request existing mechanisms, within their mandates, to consider and report on human rights situations which might give rise to forced population displacements or which prevented refugees and displaced persons from returning home. It would also be useful if member States, observers and non-governmental organizations investigating and reporting on human rights problems paid special attention to those problems' potential for creating refugees. In that connection, she noted that the problem of statelessness and, in particular, that of the withdrawal of the right to nationality had historically been an important factor in generating refugee flows.

8. But early warning had to be followed by an early and effective response. How could the international community promote effective preventive action before violations of human rights reached a massive scale? A regular and generalized system of human rights monitoring and factual reporting would be of great assistance in that regard. Balanced and impartial reporting by

non-political and, ideally, independent bodies could be useful not only to warn of problems, but also to persuade national authorities and the international community to take remedial steps.

9. The tools available to the Commission - special representatives, rapporteurs and working groups - might require strengthening by supportive infrastructure to improve their effectiveness in reporting and monitoring. Human rights monitoring in the context of United Nations peace plans provided some possible models. In El Salvador, for example, pursuant to Security Council resolution 693 (1991), observer missions had been deployed to verify the parties' undertakings in respect of human rights. The appointment of a High Commissioner for Minority Rights within the context of the Conference on Security and Cooperation in Europe was an interesting example of a regionally based multilateral initiative. Resolution 1993/7 recently adopted by the Commission on the situation of human rights in the former Yugoslavia exemplified several of the strategies she had mentioned: international observers, the use of regional arrangements and the inclusion of different elements of the United Nations system in an integrated approach to protecting human rights. It was desirable that similar pragmatic measures should be adopted to safeguard human rights in other regions of the world before disaster occurred.

10. Human rights violations were not, however, the only factor in coerced population movements. Preventive strategies should also take account of political, social, economic and environmental factors; the problem required a comprehensive and integrated approach encompassing development assistance, as well as humanitarian action and the protection of human rights. The preventive diplomacy advocated by the Secretary-General in his "Agenda for Peace" unquestionably had a role to play when internal or external conflicts loomed and peacemaking, peace-keeping and peace-building activities were often required to resolve the all-too-frequent situations where population displacements resulted from the outbreak of armed conflict. More attention and thought should be given to the role of international human rights machinery in that integrated approach.

11. Solving refugee problems through voluntary repatriation also called for an integrated approach. She therefore welcomed the Commission's adoption of a resolution on Cambodia requesting the Secretary-General to appoint a special representative and to ensure that the Centre for Human Rights assumed an operational presence in that country. The Commission's interest in other countries to which refugees were returning would also be valuable, especially where repatriation did not form part of a comprehensive peace plan.

12. In connection with its prevention efforts, the Commission might examine its procedures for considering the root causes and human rights implications of population displacement; for example, its agenda might include the various aspects of human rights and population displacement, both within and across State borders.

13. At the present session, the Commission had considered the report of Mr. Francis Deng, representative of the Secretary-General, on internally displaced persons (E/CN.4/1993/35), to which her Office had contributed. That interesting document, which contained very useful observations and

recommendations, showed that the factors which compelled displaced persons and refugees to leave their homes were similar, if not virtually identical. Like refugees, the internally displaced were in a very vulnerable situation and needed protection, assistance and a lasting solution to their plight. Although UNHCR did not have a general mandate for the internally displaced, the interrelationship between their situation and that of refugees had meant that her Office was frequently called upon to assume responsibilities on their behalf, particularly in situations where the need for humanitarian assistance was coupled with a need for protection. UNHCR was willing to extend its humanitarian expertise to internally displaced persons in appropriate cases and in response to requests from the Secretary-General or the General Assembly, but the magnitude of the problem far exceeded the resources available to her Office. UNHCR's work with the internally displaced had traditionally been in the context of voluntary repatriation programmes where displaced persons were intermingled with returning refugees, as well as with the local population. That had recently been the case in northern Iraq and was currently the case in Ethiopia and Afghanistan and, in Central America, within the framework of the activities of the International Conference on Central American Refugees, with her Office participating together with other United Nations agencies in community rehabilitation programmes.

14. UNHCR's humanitarian action for the displaced was also increasingly oriented towards prevention as it sought to assist people before they had to cross a border. In the former Yugoslavia, UNHCR had initially been requested by the Secretary-General to assist internally displaced persons and to help prevent further population displacements, but, as the situation had deteriorated, its work in that region had increasingly involved refugees who had had to flee their country. In northern Sri Lanka, at the request of the Government and of the Secretary-General, the open relief centres originally established to assist refugees now provided humanitarian assistance and protection to the internally displaced. In Rwanda and in Georgia, UNHCR was considering how, together with other humanitarian agencies, it could best assist people uprooted inside their country by ongoing civil wars. There again, it would be a matter not only of providing immediate relief, but also of aiming at prevention and trying to find long-term solutions.

15. Frequently, the internally displaced could not obtain effective protection from their own Government, either because it had lost control of part of its territory or because it perceived them as a threat and supported or condoned violations of their rights. Since they had not left their country, the internally displaced did not qualify for international protection as refugees. Their protection needs therefore had to be met through the general provisions of human rights and humanitarian law and through ad hoc operational arrangements. How to secure observance of the norms of human rights and humanitarian law for the internally displaced was one of the most important challenges facing the international community. Meeting that challenge would require the development of appropriate institutional and practical mechanisms. It was encouraging to note that the recognition of human rights as a legitimate international concern was gradually allowing greater scope for international bodies to monitor the situation of the internally displaced. The decisions taken by the Commission following the debate on Mr. Deng's study and related agenda items should

result in an appropriate follow-up mechanism that furthered the development of concrete legal and practical measures to meet the needs of displaced persons.

16. The prevention of refugee flows and of internal displacements required protecting the right of people to remain safely in their homes. Too often, however, human rights were deliberately violated with the aim of expelling whole groups of people from their homes and from their country. The former Yugoslavia provided a particularly painful example. There, UNHCR was providing assistance not only to refugees and the displaced, but also to people under direct threat of expulsion either through military attack or through the form of persecution referred to as "ethnic cleansing". Despite all UNHCR's efforts, those atrocities were continuing and, unfortunately, they were only one example of the worldwide threat to the human right to remain and not to be forced into exile. That right was implicit in the right to leave one's country and to return there; in its simplest form, it could be said to include the right to freedom of movement and residence within one's own country in conformity with article 9 of the Universal Declaration of Human Rights. It was also linked to other fundamental human rights, for, when people were forced to leave their homes, a whole range of other rights, including the right to life, liberty and security of person, non-discrimination, the right not to be subjected to torture and the right to privacy and family life, was also threatened.

17. If, in her capacity as High Commissioner for Refugees, she insisted on the right not to become a refugee, it was because she knew that the international protection which her Office, in cooperation with countries of asylum, however generous, could offer refugees was not an adequate substitute for the protection they should have received from their own Governments in their own countries. At a time of heightened tensions between various groups within countries and growing threats of conflicts whose primary aim was to force one group of people to leave territory shared with another, the question of how to enforce people's right to remain, to have their rights respected where they were and not to have to flee had become urgent. She invited the Commission to consider the human rights situation from the standpoint of the right to remain because she was convinced that the plight of refugees would not cease to exist until the international community had found ways to deal effectively with the root causes of forced displacement.

18. The basic right not to be forced into exile implied the concomitant duty of the State to protect people against coerced displacement. The international system to ensure the protection of the individual against violations of human rights, as well as the international system for the protection of refugees, relied first and foremost on the cooperation and commitment of States. The Commission, acting on behalf of the international community as a whole, should encourage States to fulfil their obligations to the individuals in their charge, reminding them of their responsibilities, but also assisting them to protect the human rights of everyone.

19. The World Conference on Human Rights would provide an opportunity to explore ways of strengthening the implementation of the full spectrum of human rights standards and improving the effectiveness of human rights mechanisms. Many of the subjects to be considered at the Conference, including the relationship between democracy, development and the universal enjoyment of

human rights, were of particular relevance in addressing the root causes of refugee flows. Her office had contributed actively to the work of the Preparatory Committee for the Conference and to regional meetings and she hoped to be able to participate personally in the Conference in Vienna.

20. In conclusion, she said that the Commission and UNHCR shared the same fundamental objective of making sure that people in need of protection received that protection. The problem of refugees could not be solved without addressing the root causes, and that ultimately meant ensuring respect for human rights. The right of the individual to remain and the right to return home in safety and dignity should be given equal importance with the right to seek asylum. The deliberations of the Commission and the work of the Centre for Human Rights and other human rights bodies, including non-governmental organizations, were thus of vital importance not only to the refugees of today, but also to millions of persons who might be forced to become refugees if their human rights were not respected. A clear sense of purpose, courage and readiness to take effective action were needed in order to ensure that the persons concerned received the protection they needed.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued)
(E/CN.4/1993/7-E/CN.4/Sub.2/1992/55, E/CN.4/1993/36, E/CN.4/1993/37, E/CN.4/1993/38, E/CN.4/1993/39, E/CN.4/1993/40, E/CN.4/1993/41 and Add.1, E/CN.4/1993/42, E/CN.4/1993/43, E/CN.4/1993/44, E/CN.4/1993/45, E/CN.4/1993/46, E/CN.4/1993/47, E/CN.4/1993/48, E/CN.4/1993/49, E/CN.4/1993/75, E/CN.4/1993/76, E/CN.4/1993/79, E/CN.4/1993/82, E/CN.4/1993/86, E/CN.4/1993/95, E/CN.4/1993/99, E/CN.4/1993/102, E/CN.4/1993/NGO/6, E/CN.4/1993/NGO/8, E/CN.4/1993/NGO/12, E/CN.4/1993/NGO/16, E/CN.4/1993/NGO/23, E/CN.4/1993/NGO/26, E/CN.4/1993/NGO/27, E/CN.4/1993/NGO/28, E/CN.4/1993/NGO/31, E/CN.4/1993/NGO/38)

21. Mr. SCHIFTER (United States of America) recalled that the first rights spelled out in the Universal Declaration of Human Rights were the rights to life, liberty and security of person. Looking at the human rights developments of the past year, it unfortunately had to be recognized that inter-group conflicts based on ethnic, religious or even clan differences had deprived millions of people in many parts of the world of those fundamental rights. A great deal of attention had rightly been devoted to the recent atrocities in the former Yugoslavia. However, there was often a tendency to follow the media, which covered Yugoslavia and had, with some delay, begun to cover Somalia, but seemed to have forgotten Afghanistan and had yet to discover Rwanda.

22. The danger of a nuclear holocaust, which some members of the Commission had sought to debate some years earlier, had fortunately been significantly reduced. In many parts of the world, however, political struggle had been replaced by intergroup hatred.

23. Some Governments took measures against that phenomenon and responded effectively. Others simply did not know how to handle the problem and still others exacerbated the situation by inciting the dominant ethnic group against persons of other ethnicity living in the same country. Such Governments were

invariably those which repressed their own people. History had demonstrated that Governments which mistreated their own people were likely to deal even more harshly with those they deemed to be strangers, whether they lived in their midst or were their neighbours.

24. The United States had a new, young and energetic President who strongly believed that words must be followed by action. He had recently told the country that it faced serious problems whose solution would require hard work and sacrifice. During his campaign, Mr. Clinton had made clear his commitment to the cause of democracy, human rights and multilateralism. The new Administration deeply believed in the ideals set forth in the Charter of the United Nations.

25. However, while there was no doubt that successes had been achieved over the past years, institutional reform was desperately needed in the United Nations system and, more particularly, in the Commission on Human Rights. Were there not human rights problems that had been ignored which might have been settled if the Commission had tackled them? It was argued by some that different cultures viewed human rights differently and that the Universal Declaration represented the views of only one culture. To them it could be answered that, despite those differences, a great many experiences in life were common to all humankind. Did the mother in Sarajevo whose son had been killed grieve any more - or less - than the mother in Kigali? Could a native of Baghdad accept torture more readily than a native of, say, Copenhagen? Was a native of Havana culturally better endowed to accept police spying than a native of Madrid? Was a native of Beijing more willing to accept imprisonment for the mere expression of his views than a native of London? In the past years, the question of different views of human rights had been debated in the Commission along the East-West divide. After that divide had disappeared, he had had occasion to meet one of the persons with whom he had engaged in verbal jousts in the Commission, whose first statement to him had been: "You knew all along that I didn't believe a word I was saying, didn't you?".

26. The time had come to put aside the artificial arguments which had been advanced in the post-cold-war period about North versus South or about Christian culture against non-Christian cultures and to agree on the simple fact that, in the human rights field, there were common goals which called for united effort. Those who contended that the principles of the Universal Declaration had relevance only to Europe and North America should be reminded that, some 700 years earlier, many of the basic principles now considered to be human rights had been recognized by the citizens of three communities situated in the heart of the Switzerland of today. It was conceivable that members of the court of the Holy Roman Emperor had said at the time that the rights claimed by those courageous people were relevant only to the Swiss mountains and certainly not to the rest of Europe. The same reasoning would apply to democratic thought and human rights principles in England under Henry VIII, France under Louis XIV or the Soviet Union under Joseph Stalin.

27. Many countries, including the United States, considered that political and economic development went hand in hand. Others contended that economic development had to precede political development. The very contrary had been demonstrated in Germany, where a politically free West Germany had produced

one of the world's strongest economies, while a politically unfree East Germany had lagged far behind. In Asia, North Korea, one of the world's most oppressive dictatorships, was a total economic failure, while the Republic of Korea had evolved politically as well as economically and was today a full-fledged democracy which also enjoyed an increasingly satisfactory standard of living. Throughout the world, Governments which were not controlled by the people or called to account by a free press had opted for counter-productive economic policies, wasted foreign assistance funds, lined the pockets of their leaders with money belonging to the people or wasted it on unnecessary military expenditures.

28. The conclusion to be drawn from the foregoing was that, while economic assistance might indeed be needed in many places to spur economic development, one way of assuring that the assistance would be well used was to improve governance. A few countries might have been able to develop economically under the guidance of a benevolent autocrat, but most autocrats tended to be erratic and greedy, retarding development. Accountability of a leadership produced the best assurance of economic evolution.

29. The Commission and the United Nations system should devote more attention to Governments which had the will to resolve their human rights problems. Such Governments should not be castigated; they needed to be helped. The United Nations system, which expended substantial funds on programmes and projects of questionable value, should reset its priorities and see what it could do to assist countries which genuinely wished to solve their problems. The importance of political will and the application of the necessary resources had been demonstrated time and again. In his own country, the practice of pressing confessions out of persons under arrest had been brought to an end by the refusal of courts to accept such confessions. In Mexico, where President Salinas had demonstrated the political will to change practices at police stations throughout the country, the Mexican Human Rights Commission, under the courageous leadership of Judge Jorge Carpizo, recently appointed Attorney-General, had made enormous strides in carrying out the President's mandate. Experiences of that kind could and should be shared with countries whose Governments did not wish to see torture practised, but had difficulty in preventing it. The role which the Centre for Human Rights could play, under an appropriate mandate from the Commission, in enabling countries to share their experiences in resolving human rights problems should be explored. In future, that might come to be one of the Commission's most important programme goals.

30. It should also be recognized that international controversies had now been replaced in large part by intra-national disputes. Just as the United Nations had applied itself to international controversies, it could and should apply itself to intergroup disputes, which were now the most common cause of human rights abuses. There were many situations in which outsiders, particularly under the United Nations flag, might be better able to act as mediators than persons from the country affected by the conflict. Furthermore, Governments should be encouraged to institute educational programmes designed to overcome hatred and antagonisms based on differences in race, ethnicity or religion. There, too, the Centre for Human Rights acting under the Commission's leadership could play a very useful role.

31. As already noted, however, the fact that many Governments which practised repression as their official policy had been replaced did not mean that the phenomenon had vanished. The Commission should therefore make it known to those Governments that the international community remained deeply concerned by such practices.

32. The reports submitted to the Commission on Burma, Cuba, Iran and Iraq described systems which differed from each other in detail, but which had the common result of creating an all-pervasive climate of fear which no citizen, however humble and politically disinterested, could escape. Big Brother was always watching and even minor deviations from prescribed standards of behaviour could be severely punished. Intimidation, economic and educational reprisals, torture, long-term imprisonment and even summary and arbitrary executions or executions or imprisonment on trumped-up charges made it possible for those Governments to keep their people in check. The Commission should once again draw attention to that state of affairs and urged that those forms of repression should be brought to an end.

33. In Burma, the 1991 Nobel Peace Prize winner, Aung San Suu Kyi, remained under house arrest. One thousand two hundred political prisoners had been arrested in 1992; an estimated 1,000 had still been in prison in early 1993. In addition to opposition political leaders, ethnic minorities, especially in border regions, had been persecuted by the Burmese military. Over 270,000 Muslim refugees from Burma's Arakan State had fled to Bangladesh to avoid persecution by the Burmese military. About 70,000 Karen and other refugees had fled to the Thai border in 1992 and over 1,000 Nagas had sought refuge in India.

34. According to the Special Rapporteur's report on Cuba (E/CN.4/1993/39), advocates of peaceful political change, artists seeking free expression and human rights activists were being imprisoned, molested or beaten up by Government-employed thugs. Dozens of other Cubans were in prison for purely political crimes and still more had been threatened, harassed or fired from their jobs because of their beliefs. The omnipresence of the security apparatus proved that the Cuban Government was afraid to permit free and fair elections, the right of assembly or even the visit of the United Nations envoy.

35. The Government of Iran continued to execute political opponents and to carry out assassinations of its opponents residing abroad, such as that of four Iranian-Kurdish dissidents in Berlin in September 1992. Detainees were routinely brutalized and tortured in a particularly cruel manner. As for the Baha'is, they continued to face arbitrary arrest and detention or, as in the case of Mr. Bahman Samandari, summary execution. In August 1992, there had been nearly 20 Baha'is in prison as the Government continued its practice of detaining a small but relatively steady number of Baha'is at any one time.

36. In Iraq, the regime's abysmal human rights record continued to affront civilized people. Hundreds of political prisoners had been tortured and killed in the prisons and rape had become a means of degrading women in order to blackmail them into becoming informants. The Government had imposed an embargo, including food and medicine, against its three northern provinces. In the south, where it was conducting military operations against

non-combatant Shi'a civilians, hundreds and probably thousands of innocents had been killed by Government forces during the previous year. That situation had been stopped only by the imposition of a no-fly zone under Security Council resolution 688.

37. In Sudan, summary executions, arbitrary detentions and torture continued, frequently in incommunicado detention houses. In Juba, Government troops had reportedly killed several hundred unarmed civilians and arrested hundreds more following a rebel attack on the city in July 1992. More than 100 of those arrested still remained unaccounted for.

38. With regard to China, he welcomed the announcement of early release from prison of several well-known political dissidents, but deplored the fact that hundreds of others continued to languish in jails. Contrary to China's assertions, not all the student leaders involved in the 1989 Tiananmen Square demonstrations had been released. Liu Gang, for example, was still in a prison labour camp, where his arm had allegedly been broken by prison officials. Political and religious dissidents in China continued to be arrested, tried and sentenced to prison. There had been many reports of harsh and frequently degrading prison conditions in China, with prisoners being denied adequate medical care despite serious health problems.

39. In conclusion, he said that, by sending a message to oppressive Governments, the Commission was also making its concern known to the oppressed people of those countries. Like the "Peatbog Soldiers" of the Nazi concentration camps, those people should be given hope that one day soon they would be able to sing the words: "Homeland, you are mine at last!".

40. Mr. GARRETON (Chile), describing the progress made by the United Nations since the time when, in addition to drafting the Universal Declaration of Human Rights, it had been trying to establish machinery for the verification of respect for those rights, said that, in 1970, Economic and Social Council resolution 1503 (XLVIII) had been adopted and had set up the confidential procedure for the consideration of particular situations. At the time, the procedure had represented a considerable advance, but today the most striking thing about it was that it had so many weaknesses and it was open to question whether it served any purpose at all. In the first place, it was a lengthy procedure, for, in the best possible case, a communication reached the Commission only after going through the Secretariat, the Working Group on Communications, the Sub-Commission and the Working Group on Situations. Furthermore, even where the Commission did take a decision on a communication, that decision was never announced to the complainant, any more than the Government's reply was. Adversary proceedings, which would not have those drawbacks and would allow the complainant to state his case, would be preferable. Another point was that, out of a total of 42,000 complaints, the Commission had considered only a handful, concerning no more than seven countries. Under the resolution 1503 procedure, moreover, the margin of political selectivity, although not intended, was enormous because each of the bodies in turn had to determine whether the complaints received "appeared" to reveal a consistent pattern of gross and reliably attested violations of human rights. The first body was composed of five independent experts, the second was the Sub-Commission, likewise composed of experts; then, and only then, came five country representatives and, finally, the Commission. A case on

which a decision of an obviously political nature was going to be taken was thus analysed at a political level only in the last two stages and only if technical bodies had decided to consider it.

41. The dramatic events which had occurred in Latin America, but also elsewhere, and the emergence of practices such as forced disappearances, summary executions and torture, to which the United Nations could not remain indifferent, had led to the establishment of so-called "thematic" procedures, thanks to which situations of particularly serious breaches of human rights had been found to exist in many countries. Those procedures were governed by the principles of objectivity and non-selectivity. Under those procedures, a complaint was no longer accepted or rejected on the grounds that it did or did not reveal a pattern of gross and consistent violations; account was taken of all complaints. When, for example, cases of enforced disappearances occurred in a country, they were mentioned in the report on that country and when there were no more such cases, they were no longer referred to. That was the case, for example, of Chile.

42. He also drew attention to the importance of the initiative of appointing rapporteurs, experts or representatives to study particular countries. No one could argue that there was not a consistent pattern of gross violations of human rights in South Africa, Yugoslavia or Haiti and that those countries were being treated in a discriminatory manner. What could be argued, however, was that there was some selectivity, which involved the omission of some countries rather than action against others.

43. Those procedures had been born of painful realities and the duties of those implementing them were not spelled out clearly in any document, but that was the way of the history of human rights and their protection, just as it was the way of the history of public international law. A set of rules that would be applicable to all the procedures still had to be drawn up. It could come into being as a result of the codification of the links or relationships already existing in practice between the various procedures. Pending the preparation of such a code, its absence could cause the paralysis of an existing mechanism and lead to the creation of new procedures. Resolutions establishing such new procedures now spelled out the relevant mandates with rigorous clarity.

44. His country was strongly in favour of strengthening human rights bodies. It believed that such bodies should be set up whenever a situation warranted it, whether it was a matter of manifestations of xenophobia and racism, the situation in the former Yugoslavia or the situation in Myanmar, for too many different procedures were better than none.

45. It was desirable that the international community should seek means of effectively punishing Governments which violated their people's rights. It had already taken action against the racist regime of South Africa, thereby proving that economic sanctions imposed by the community of nations were legitimate not only from the legal and moral points of view, but also effective as a means of strengthening internal resistance to oppression. Similarly, in the case of Haiti, where the right of peoples to self-determination had not been respected, the Organization of American

States had imposed political and economic sanctions. Such measures must, of course, be adopted by consensus by a group of States and must be based on attested facts of the utmost gravity.

46. He hoped that the forthcoming World Conference on Human Rights would lead to progress in the establishment and regulation of "thematic" and "country-specific" procedures for considering human rights violations and make people realize more clearly that what happened to a human being anywhere in the world could not be a matter of indifference to anyone.

47. Mr. ERMACORA (Austria) said that he agreed with the general approach of the United States representative and welcomed the pragmatism shown by the representative of Chile.

48. If the United Nations had achieved a comprehensive codification of international standards for the protection of human dignity and for the safeguarding of the fundamental rights and freedoms of all men and women, it was because consensus had been reached across all national, ideological, social and cultural borders on a series of human rights instruments embodying recognized values of human existence in their indivisibility and encompassing civil and political, economic, social and cultural rights.

49. Procedures to monitor the implementation of those standards had also been created over the years. One of them was the annual discussion in the Commission under item 12 of its agenda, in particular, on information relevant to gross violations of human rights and fundamental freedoms. In more than 60 cases to date, the Commission had condemned specific human rights violations, designated independent experts to offer their advisory services to the countries concerned and given special rapporteurs broad mandates for fact-finding and monitoring activities in the countries concerned. For particularly grave and systematic human rights violations, "thematic" rapporteurs or working groups had been set up in order to combat those phenomena wherever they might occur.

50. Under the Charter of the United Nations, all Member States had pledged to achieve, in cooperation with the Organization, respect for and observance of human rights. Member States therefore had an obligation to cooperate with the special rapporteurs and working groups. The lack of cooperation sometimes shown by Governments, and particularly the refusal to allow a special rapporteur or working group to visit the country in question, was altogether regrettable, for country situations could obviously be reported on more completely after a visit carried out with the full cooperation of the Government concerned. In commending the special rapporteurs and working groups for successfully carrying out their mandates under often difficult circumstances, he said that the support given them by the United Nations should extend to the provision of adequate facilities and staff, which were unfortunately not ensured at present.

51. The only means for the United Nations to show that it was not indifferent to certain situations reported in the media was the adoption of measures such as those discussed in the Commission at the current session, responsibilities being shared with the State concerned. In that connection, unlike some delegations, he considered that Article 2, paragraph 7, of the Charter was not

applicable to discussions on human rights. Country situations were at present dealt with (1) under a specific agenda item; (2) on the basis of a report of a country-specific special rapporteur; (3) on the basis of the reports of thematic rapporteurs or working groups; (4) under the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII); or (5) in connection with advisory services. Noting that a similar task was also performed by the treaty bodies, he said that the variety of ways of monitoring country situations could create uncertainties with regard to their evaluation. There was thus a positive need to concentrate and streamline existing procedures. One method would be to coordinate the different treaty bodies by setting up a special coordinating body for the purpose. In the long run, the whole reporting system might even be entrusted to a single body of experts. States would then be required to submit one comprehensive periodic report on all the rights which they had pledged to observe in different conventions. Between sessions, a dialogue could be established between the supervisory body and the country concerned.

52. Like Mr. Garreton, he thought that resolution 1503 (XLVIII) needed to be reconsidered. Since the adoption of that resolution, the Commission had considered "situations" under agenda item 12 in public, as well as under the confidential procedure.

53. That procedure was quite time-consuming and cumbersome. It was not an efficient mechanism for dealing with urgent situations and had in fact been largely superseded by new mechanisms. Moreover, the treaty bodies had before them the reports of States parties and, in several cases, were entitled to consider individual communications on alleged human rights violations. He drew attention to paragraph 10 of resolution 1503 (XLVIII), which read: "... the procedure set out in the present resolution for dealing with communications relating to violations of human rights and fundamental freedoms should be reviewed if any new organ entitled to deal with such communications should be established within the United Nations or by international agreement". In Austria's view, the time had come to initiate such a review. It might be interesting to know, for example, how many studies under paragraph 6 (a) of resolution 1503 (XLVIII) had been carried out and how many ad hoc committees had been appointed under paragraph 6 (b). The Commission could request the Sub-Commission or the Secretary-General to conduct such a study, whose goal would be to strengthen and streamline the procedure established by resolution 1503 (XLVIII) or to abolish it if the study showed that it had lost its effectiveness. The possibility of combining the confidential procedure and the public one into a single fact-finding system might even be envisaged. Economic and Social Council resolution 1990/48 authorized the Commission on Human Rights to meet exceptionally between its regular sessions to discuss urgent situations. His delegation intended to submit a draft resolution in that connection and hoped that its proposal would receive general support.

54. The annual cycle of meetings of the Commission and the Economic and Social Council also had to be reformed. For many years, the Commission's reports had been considered and acted on at the spring session of the Council. Now, the all-important decisions to approve the budget implications of the appointment of a special rapporteur or the extension of his mandate were not taken until the Council's summer session, with the result that the special

rapporteurs could become active only in the autumn. Their reports, which should be the basis for the discussions in the Third Committee and the discussion in the Commission under item 12, were therefore rarely ready in time. Under those circumstances, it appeared advisable to request the Council to take those decisions earlier than in July or else to move the regular session of the Commission to spring - to April, for example - in order to allow the reports to be studied carefully.

55. The World Conference on Human Rights would provide an excellent opportunity to lay the groundwork for such a reform and the participants in the Conference had been expressly called on to formulate recommendations for enhancing the effectiveness of United Nations activities and mechanisms. The previous year, Austria had proposed the establishment of an emergency mechanism of the Commission in order to enable it to react immediately to acute situations arising from gross violations of human rights. That initiative would also be considered at the World Conference. His delegation therefore proposed that the Commission should resume the consideration of the question of the establishment of an emergency mechanism at its next session in the light of the recommendations of the World Conference.

56. Mr. MARVILLE (Barbados) said that none of the countries represented in the Commission was entirely spotless in terms of human rights records, but some more than others deserved to be castigated for their serious shortcomings in the human rights field.

57. If he pointed a finger at certain countries, it was not out of self-righteousness, but in the common interest. His own country, for its part, recognized the basic human rights to shelter, food, health and education, as well as civil and political rights, including equality before the law, and, by and large, ensured its inhabitants' enjoyment of those rights. His country's aim as a member of the Commission were to promote the development of effective international mechanisms for the protection of human rights and to ensure that human rights were upheld in an impartial manner, that human rights issues were not used as instruments of confrontation between States, that all forms of racism were vigorously denounced, that economic, social and cultural rights were internationally recognized on the same footing as political and civil rights and that the rights of women and children were given special prominence.

58. Those comments on his country's attitude were intended as an introduction to what he wished to say on the subject of the army and various paramilitary groups as prime violators of human rights in certain countries.

59. In his view, some countries whose situation was considered under agenda item 21 and some not considered at all should in fact be placed under item 12. Consideration under item 12 should cover two or three categories of countries: first, those whose Governments had shown little regard for procedures under Economic and Social Council resolution 1503 (XLVIII) and whose situation should be discussed in public meetings; secondly, countries where improvements had been insufficient; and, lastly, those whose Governments had made notable efforts but where abuses by paramilitary groups still continued to take place. That third group should continue to be considered under item 12 until the Commission felt not only that the pattern and quantum of abuses had changed,

but that new mechanisms had been established in order to inform the local populations of their rights and to protect them against abductions, beatings and other forms of violence by soldiers, paramilitary groups or police forces.

60. In Haiti, the poorest country of the Americas, for example, the army had overthrown in a violent coup a government democratically elected by 67 per cent of the Haitian population. The coup d'état had marked the beginning of the persecution of those 67 per cent of Haitians. Thousands of people had tried to escape in boats so flimsy that many of them had drowned. Within the country itself, the army, the secret police and the "tontons macoutes" had incessantly harassed elected officials, priests and activists from community associations, women's groups, pro-democracy advocates and students, killing many such persons. The de facto Prime Minister, Mr. Bazin, was powerless to deal with the situation.

61. In view of the country's state of decay, the Commission should not only condemn the human rights abuses being committed there, but should actively prepare Haiti to emerge from its present situation. It should perhaps look beyond the return of the democratically elected Government by envisaging the establishment of funding to enable the entire subregion, including the French overseas departments, to help in teaching literacy in Haiti, providing basic health and health training and establishing civic and electoral systems as part of a healing process once the present night of horror had ended.

62. In certain Asian countries, the situation was hardly better. In Myanmar, in particular, the army had refused to cede power to a government elected by 80 per cent of the population and was persecuting religious and ethnic minorities, forcing some 300,000 Rohingyas to flee to Bangladesh. The Commission should continue to bring pressure to bear on the de facto Government of Myanmar to cease its gross violations of human rights and to return power to the people. The member States of the Commission which maintained good relations with the military Government should be persuaded to use their influence to work for change in its present attitude.

63. While recognizing the improvement that had taken place in South Africa, his Government condemned the violence perpetrated by elements of the security forces, as well as the South African Government's refusal to accept full responsibility in that matter and its efforts to destabilize other Governments of southern Africa, including Botswana, Zambia and Angola. Vigilance was therefore called for and the Commission should continue to watch developments in South Africa. In other African countries, particularly Togo and Zaire, the Governments in power had committed atrocities in order to remain at the helm. In Togo, journalists, human rights groups and members of the opposition, including the opposition leader Mr. Gilchrist Olympio himself, were being subjected to threats or attempts on their lives, while, in Zaire, the army was brutalizing the population with impunity. The Governments of Togo and Zaire should be called on to halt those abuses and other countries whose history was closely linked to those two States should help them seek peaceful solutions to the internal conflicts besetting them.

64. His delegation drew the Commission's particular attention to the situations in Guatemala, El Salvador and Colombia. While recognizing the problems created by narco-terrorism, it was worried about the number of

human rights abuses reported to be committed in Colombia, not only by narco-terrorists, but also by death squads, so-called "private justice" groups and "mobile brigades", as well as about the impunity enjoyed by those responsible. It hoped that the Government of Colombia, which normally respected the principles of democracy, would take the necessary measures despite its difficulties. In Guatemala, notwithstanding the Government's considerable efforts to curb human rights abuses and bring to justice some military personnel involved in them, the practice of disappearances and attacks on indigenous populations had not stopped. His delegation was prepared to cooperate with other members of the Commission to strengthen and improve the situation in Guatemala. It welcomed the efforts made so far by the Government of El Salvador to respect the terms of the peace agreement and the signs of progress reported in the Special Rapporteur's report (E/CN.4/1992/32). It noted, however, that disappearances continued to occur in El Salvador and that death squads and former members of the now disbanded civil defence forces continued to persecute and kill human rights activists and trade unionists. It was also concerned by the fact that military power in El Salvador always prevailed over civil power. For that reason, it would prefer to see El Salvador remain under agenda item 12 and would also be in favour of a continued ONUSAL presence in that country for at least two years after the peace agreement had been fully implemented.

65. The fact that his delegation had referred only to some selected countries did not mean that it was indifferent to what was happening in others. On the contrary, it would continue to maintain its interest in all developments and to condemn any gross violations of human rights that might be committed.

66. Mr. MARUYAMA (Japan) said that the Charter of the United Nations clearly upheld international cooperation in promoting respect for human rights. All Member States were therefore duty bound to fulfil that obligation. His delegation did not accept the claim that the consideration of the human rights situation in a country constituted interference in that country's internal affairs, provided that such consideration was not used for political purposes. Once human rights violations had been clearly established, the international community should not limit itself to condemning the country concerned, but should help that country correct the situation. That was one of the principles of Japan's official development assistance, as reconfirmed by a Cabinet decision taken by the Government of Japan in June 1992.

67. Precise information was essential to assessing the situation in a country and, in that respect, his Government fully supported the fact-finding mechanisms set up by the United Nations, such as special rapporteurs and representatives, independent experts and working groups. His delegation regretted, however, that inadequate resources were hampering the smooth operation of those mechanisms and, in particular, preventing special rapporteurs from discharging their mandates effectively. He shared the concern expressed in that connection by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. N'Diaye, in his report (E/CN.4/1993/46) and urged the Centre for Human Rights to make further efforts to improve the situation. There was often too great a time gap between the appointment of Special Rapporteurs by the Commission and the formal approval of their mandates by the Economic and Social Council. It was urgent to find a solution to that problem, which was a further obstacle to the work of special

rapporteurs. The success of fact-finding mechanisms also depended to a large extent on the cooperation of the countries concerned, both Governments and citizens, but the report of the Secretary-General (E/CN.4/1993/38) mentioned many cases of Government reprisals against those who cooperated with the representatives of United Nations human rights bodies. His delegation therefore added its voice to those who insisted that such acts must be immediately and completely stopped.

68. With regard to the situation in various countries, his delegation deplored the lack of progress in the human rights situation in Afghanistan, a depressing picture of which was given in the Special Rapporteur's report (E/CN.4/1993/42). It was particularly concerned by the dangers to which the United Nations and non-governmental organization staffs engaged in humanitarian tasks for the Afghan people were exposed and wanted measures to be taken to guarantee the safety of those persons. It supported the Special Rapporteur's recommendations for improving the human rights situation in Afghanistan and urged the Commission to continue to keep the question on its agenda.

69. His delegation regretted that Cuba continued to refuse to cooperate with the Special Rapporteur, whose report (E/CN.4/1993/39) provided an objective and well-balanced picture of the situation in that country. It thought that the Special Rapporteur's recommendations were very reasonable and hoped that Cuba would fully cooperate with the Commission. It welcomed the positive steps taken by the Indonesian Government in connection with the human rights situation in East Timor following the regrettable incidents which had occurred in Dili in November 1991 and, in particular, welcomed its decision to bring to justice and punish some of the military personnel responsible. The Indonesian Government should be further encouraged to continue its efforts to respond to the Commission's message.

70. His delegation was also deeply concerned about events in Haiti. It had suspended economic relations with that country as an expression of its disapproval of the de facto Government backed by the military. It hoped that democracy would soon be restored in Haiti and fully supported the cooperation between the United Nations and the Organization of American States.

71. His Government welcomed the goodwill shown by the Government of Iran in accepting three successive visits by the Special Rapporteur and in concluding an agreement with the International Red Cross in November 1991 on the subject of prison visits. It regretted, however, that the Iranian Government had maintained its uncooperative attitude towards the United Nations after the Commission's forty-eighth session. His delegation fully supported the views expressed by the Special Rapporteur in paragraph 320 of his report (E/CN.4/1993/41) and hoped, in particular, that the Iranian Government would resume a policy of full cooperation with the Commission and agree to his visiting Iran for a fourth time, as requested in paragraph 329 of the report. As to the human rights situation in Iraq, his delegation was greatly concerned by the situation of the Shi'ite communities in the south and of the Kurds in the north and strongly urged the Government of Iraq to implement Security Council resolution 688 (1991) and to cooperate with the Special Rapporteur appointed by the Commission.

72. In Asia, the situation remained alarming in several countries, in particular, in Myanmar, where the Government had agreed to a visit by the Special Rapporteur appointed by the Commission, but had failed to extend full and unreserved cooperation to him. His delegation sincerely hoped that the Government of Myanmar would cooperate fully with the Commission and take full account of the recommendations contained in the Special Rapporteur's report (E/CN.4/1993/37). His Government appreciated the goodwill shown by the Government of Sri Lanka in accepting the recommendations made by the Working Group on enforced or involuntary disappearances in its 1991 report (E/CN.4/1992/18 and Add.1) and inviting the Group to make a follow-up visit in October 1992. While his delegation welcomed the positive measures which had been taken by the Government of Sri Lanka during the past year and which were described in the latest report of the Working Group (E/CN.4/1993/25 and Add.1), it was still concerned about reported disappearances and other human rights abuses in Sri Lanka and hoped that the Government of that country would strengthen its efforts to ensure respect for human rights.

73. Lastly, noting that the efforts of the United Nations to find a peaceful solution to the problem of Cyprus had not yet borne fruit, his delegation earnestly hoped that, under the leadership of the new Secretary-General, the negotiating process would be accelerated and that the population of Cyprus would have all its human rights fully restored to it in the near future.

74. Although it had focused its attention on countries to which the Commission had sent fact-finding missions and on other cases of particular concern to Japan, his delegation would maintain its interest in other situations as well. Item 12 had always been one of the most important items on the Commission's agenda. The Commission's workload was increasing and it was a matter of urgency to find ways of improving its efficiency. His delegation hoped that the World Conference on Human Rights would provide an opportunity to review existing mechanisms so that the human rights situation in all parts of the world might be improved.

75. Mr. MARAPANA (Sri Lanka) said that, by holding two special sessions during the past year, the Commission had demonstrated its ability to respond rapidly in crisis situations. His Government welcomed that development in the Commission's role, but cautioned the Commission about becoming over ambitious.

76. The year which had elapsed between the forty-eighth and forty-ninth sessions of the Commission had been a significant one for Sri Lanka. Despite the serious problems it faced, the Government had continued to enhance the protection of human rights and strengthen their development. In that connection, his delegation acknowledged the support and encouragement which the Government had received from the Commission and the international community as a whole. The Working Group on enforced or involuntary disappearances had been impressed by the Government's frank and open attitude during its two visits to the country and Amnesty International, whose representatives had also paid a second follow-up visit to Sri Lanka at the Government's invitation in October 1992, had also stated that the authorities had been more cooperative with international human rights organizations and had implemented most of Amnesty International's recommendations aimed at strengthening human rights protection within the country.

77. The Sri Lanka Government had also accepted most of the recommendations made by the Working Group, some of which, however, still remained to be fully implemented. In particular, the Government had already amended legislation to enable the next of kin of persons missing for more than one year to obtain pensions payable in respect of those persons. The prosecution of those found responsible for disappearances, particularly police officers and security personnel, had begun. The Government was currently considering the new recommendations made by the Working Group in its latest report (E/CN.4/1993/25/Add.1). It was also in the process of revising the Emergency Regulations and had established internal mechanisms, such as a Human Rights Task Force and a Presidential Commission of Inquiry into allegations of disappearances. In its first annual report, the Human Rights Task Force had given a detailed account of its work aimed at improving the situation of detained persons and helping to trace persons alleged to be missing. It had thus far established seven regional offices with a total staff of over 100 persons. It had received generous support from some States represented in the Commission and its contribution to the protection of human rights had been widely acknowledged by international observers. Thanks largely to its activities, the number of political prisoners, which had been close to 20,000 in 1989, had dropped to about 3,000; several thousands of detainees had been released after a period of rehabilitation under a special rehabilitation programme.

78. The latest report of the Presidential Commission indicated that the downward trend in cases of alleged disappearances, likewise acknowledged in the report of the Working Group, was continuing. Means of strengthening the Presidential Commission's resources with a view to expediting its work were at present being explored. The Sri Lanka Government had also set up internal procedures for monitoring progress in the human rights field. It regularly shared data on such progress with national and international bodies and interested Governments. The work of the International Committee of the Red Cross, which had a staff of over 150 persons in Sri Lanka, complemented the work of the Human Rights Task Force in several ways, in particular by maintaining a computerized register of detainees, which was accessible by the Government, making regular visits to prisons and reporting back to the Government on conditions of detention.

79. Sri Lanka's commitment to upholding the principles of humanitarian law was borne out by the machinery put in place by the Government, with the help of ICRC, UNHCR and international and local non-governmental organizations to provide food and medical assistance to civilians in the north of the country. The task was not an easy one, as train and road services were frequently disrupted by LTTE action and the Government was forced, at great cost, to charter ships to carry the food and medical supplies to the north. The restoration of law and order was reflected in the resumption of economic growth, the best indicator of which was the level of foreign investment and the steady increase in the number of tourists visiting the country. Following close on that recovery had been the re-establishment of civil society in all parts of the country, except some parts in the north. Parliament, the judiciary, the press and non-governmental organizations ensured the protection of human rights and did not hesitate to expose any violations, even at the risk of embarrassing the Government. By its decisions, the Supreme Court had clearly demonstrated the primacy of the rule of law. The Government was

cooperating with non-governmental organizations, such as the Bar Association of Sri Lanka and the Civil Rights Movement, and all Government decisions were kept under close scrutiny by both the press and Parliament.

80. In parts of the north, the situation remained problematic. A positive indicator of an early restoration of normality had been the voluntary return to Sri Lanka of a large number of Tamil civilians who had crossed over into India. Their return had been coordinated by UNHCR, with which the Government had recently concluded a Memorandum of Understanding. Sri Lanka had favourably responded to proposals by some western European Governments wishing to return Sri Lankans whose applications for refugee status had been turned down and who, for their own personal gain, had unsuccessfully attempted to tarnish the image of Sri Lanka abroad. The international community should be careful not to be misled by misinformation circulated by such people. In that connection, he referred to a recent judgement by a panel of five United States judges to the effect that the Government of Sri Lanka did not persecute ethnic Tamils on the basis of their ethnicity or on account of their championing Tamil interests or political rights.

81. The attention of the Government and of all democratic political parties in Sri Lanka had been focused in the past few years on the search for a negotiated political solution to the conflict in the north and east of the country. The Government had always declared itself to be favourable to a political solution that would satisfy the legitimate aspirations of the ethnic minority, which accounted for 12.5 per cent of the country's population, rather than imposing a military option. Over the previous year, considerable progress on a consensus had been achieved in the Select Committee of Parliament, which was composed of representatives of all political parties. An agreement had been reached on 15 December 1992 on the future relationship of the northern and eastern provinces and the degree of devolution of power to those provinces, using the States forming the Union of India as a model. While several important issues, such as the use and possession of arms by the LTTE, still had to be resolved before talks took place, the consensus suggested that a negotiated solution to the conflict was possible. The need of the hour was therefore to motivate the LTTE to give up violence and negotiate with the Government and other concerned parties. Perhaps the LTTE would agree to do so when it realized that the international community would not tolerate its criminal activity outside Sri Lanka, such as drug trafficking and the extortion of funds for the purchase of arms, ammunition and explosives in order to perpetuate violence in Sri Lanka.

82. In conclusion, he reaffirmed his Government's commitment to the protection of the human rights of all its citizens. Its success would, however, depend on the people itself. His delegation expressed its deep appreciation to all members of the Commission who had commended the Government on its achievements thus far and had encouraged it to pursue its efforts towards the goals it had set for itself. He assured the Commission that Sri Lanka would continue to fulfil its obligations, both national and international.

83. Mr. REDDY (India), recalling that the human rights situation in Cyprus had occupied the Commission's attention for almost 20 years, said that his delegation was particularly concerned by the fact that, notwithstanding the

resolutions adopted by the Commission, the situation with regard to refugees and displaced persons, the tracing of missing persons and changes in the demographic structure of Cyprus remained unchanged.

84. The international community had consistently expressed concern about the question of Cyprus. The Final Document of the Summit of the Non-Aligned Countries held at Jakarta in September 1992 called once more for the withdrawal of foreign forces from Cyprus and repeated that the present status quo in that country was not acceptable. It welcomed the efforts being made to finding a just and viable solution to the Cyprus problem in accordance with the principles and provisions of the Charter and the rules of international law. Moreover, in its resolution 789 (1992) the Security Council had urged all concerned to commit themselves to a series of confidence-building measures proposed by the Secretary-General.

85. His delegation fully supported the unity, independence, territorial integrity and non-aligned status of the Republic of Cyprus and believed that the problem of human rights could be solved only within the framework of the country's unity. It therefore supported the efforts of the Secretary-General to find a just and lasting solution to the Cyprus question.

86. Mr. ABU EISSA (Arab Lawyers' Union) said that organizations for the protection of human rights were multiplying in the Arab world and public opinion was increasingly obliging Governments to cooperate with them. The people's respect for western human rights organizations was, however, severely undermined by the double standards policy practised by those organizations. Despite a Security Council resolution, Israel was still refusing to allow the 400 expelled Palestinians to return home; the Serbs continued to violate the rights of the Bosnian Muslims; and the Iraqi people continued to suffer because of the international blockade imposed by the West on fallacious pretexts. His organization urged the Iraqi authorities to settle the problem of Kuwaiti prisoners still held in Iraq and also urged Iran to release the Iraqi prisoners still detained in that country. Such measures would help bring about progress in improving relations between the peoples of the region.

87. As to religious intransigence, which was becoming increasingly acute in the Arab-Muslim world, the Arab Lawyers' Union took the view that fanatical groups, whether or not they were in power, were in fact opposed to any idea of modernity and were denying the most elementary human rights, as was the case in Algeria, Tunisia and Sudan.

88. His organization wished to make it clear that it was interested in the question of Sudan not because it sided with opposition movements, but because it was responding to a request by Sudanese lawyers. Democratic development in Sudan had been stopped short by fanatical Muslim leaders; opponents of the regime had been imprisoned and tortured or simply executed; trade unions had been dissolved. Mr. Wako, the Government prosecutor of Sudan, had told the Commission that the latter measure was a provisional one resulting from exceptional conditions. The international community was well aware that that was not so. The oppression and genuine terrorism practised by the Sudan authorities had caused 3 million people to flee their homes. The Arab Lawyers' Union therefore called on the Commission to appoint a Special Rapporteur to investigate the human rights situation in Sudan and to request

the Secretary-General to urge the Security Council to adopt resolutions prohibiting sales of arms to that country and providing for sanctions in the event of new human rights violations by that State.

89. The CHAIRMAN invited the representatives of all member or observer States which had asked to speak in exercise of their right of reply to do so.

90. Mr. CANKOREL (Observer for Turkey) recalled that the representative of Denmark, speaking on behalf of the member countries of the European Community, had referred to a report on Turkey adopted by an international body. Members of the Commission should be informed of the fact that some non-governmental organizations known to be in favour of ethnic terrorist groups had been involved in the preparation of that report.

91. Furthermore, to say that human rights violations in Turkey had increased in the past 12 months was completely incorrect. What had really intensified was the struggle against externally supported terrorist attacks on the Turkish people's fundamental human rights. It was regrettable that those terrorist attacks were supported by some European human rights movements.

92. Turkey had been the first member State of the Council of Europe to ratify, in 1988, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In September 1989, moreover, Turkey had become a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It should be recalled that two member States of the European Community were still not parties to that Convention. His delegation was therefore of the opinion that those who criticized human rights violations in Turkey or any other country had to be credible. In that connection, it recalled that the recent report of the Secretary-General on measures to combat racism and racial discrimination and on the role of the Sub-Commission (E/CN.4/Sub.2/1992/11) contained serious allegations with regard to some countries of the European Community.

93. He would not claim that Turkey was totally free from human rights violations, but the authorities were making vigorous efforts to fight all forms of violations of fundamental rights, whether committed by terrorist groups or involving Government responsibility.

94. Mr. ZHANG Yishan (China) said that the allegations by the United States delegation of human right violations in China were unfounded. In view of the many human rights violations committed in the United States, moreover, that country's delegation was not well-placed to criticized other States. For example, the United States regularly accused China of not respecting the rule of due process. The international community had surely not forgotten the notorious Los Angeles trial resulting in the acquittal of white policemen who had severely beaten a black American citizen. There was no doubt, that the verdict would have been different if the victim had been white and the policemen black. According to the United States, human rights knew no boundaries. It went so far in applying that maxim as to have foreign citizens arrested outside its territory and tried by its own courts. That was quite simply a colonialist act. It might well be asked what the consequences for world peace and security would be if all countries were to act in that way.

95. Mr. AL DOURI (Observer for Iraq) said that, contrary to the allegations made by the United States delegation, the Iraqi authorities were not imposing any blockade in the north and south of the country. However, the Government could not guarantee access of food supplies to the north of the country because that region was occupied by "allied coalition" military personnel. The fact was that the United States of America and international organizations were responsible for the continuing Kurdish crisis.

96. His delegation also rejected the allegations made by certain members of the Commission and motivated by purely political considerations concerning the south of the country. It was the Iraqi authorities' duty to protect citizens against outlaws and individuals in the pay of foreign countries whose aim was to destabilize Iraq. In that connection, his delegation recalled that the no-fly zone south of the 32nd parallel had been established by the members of the "allied coalition" not under international law, but under the "might is right" principle. The United States of America and its allies therefore bore a historic responsibility for the worsening of the situation. Lastly, his delegation rejected allegations that women had been raped. Incidents of that kind could not occur in Iraq because of the country's strong religious traditions and authentic Arab values.

97. Ms. SILVERA NUÑEZ (Cuba), referring to the statement made by the delegation of the United States of America, reminded the Commission of some flagrant human rights violations committed by the United States. Implementing a policy of harassment and threat of aggression against Cuba, the most recent example being the notorious "Torricelli Act"; encouraging Cuban citizens to leave their country illegally - without, however, granting them an entry permit - in order to destabilize Cuba; sending back Haitian refugees who disturbed the peace and quiet of American military personnel at Guantanamo Naval Base, an enclave in Cuban territory; imposing penalties and fines on North American citizens who visited Cuba; and limiting the freedom of expression of Cubans settled in Miami were all flagrant violations of human rights.

98. Moreover, marginal social groups in the United States were not even guaranteed the right to life. The phenomenon of homelessness epitomized the inequalities that prevailed in the country. The members of the Commission should also know that NED and the Instituto de Puebla were financing small groups established in Miami so that they could take part in the Commission's work and that those groups had to report to one of the members of the United States delegation to the Commission on how those funds were used.

99. With regard to the statement by the Japanese delegation, her delegation saw little point in recalling in detail the political manipulations which had led to the appointment of the so-called Special Rapporteur to investigate the human rights situation in Cuba.

100. As far as fundamental rights were concerned, moreover, Japan itself was not above criticism. Certain non-governmental organizations had reported human rights violations in that country and her delegation hoped that Japan would answer those allegations under the procedures established for the purpose.

The meeting rose at 1.25 p.m.